

H.R. 818

The Federal Acupuncture Coverage Act

What it does

The Federal Acupuncture Coverage Act has two purposes. If enacted, HR 818 would add acupuncture as a benefit covered under both Medicare and the Federal Employees Health Benefits (FEHB) program.

Medicare

Medicare is the national health insurance program for people over 65 and the disabled, providing coverage for 40 million Americans. HR 818 requires that acupuncture services be covered under Medicare Part B, the component of the Medicare program that insures for doctors' services and outpatient care.

Medicare Part B is a fee-for-service plan that is directly administered by the federal government. Medicare determines reimbursement rates on an annual and geographic basis for all covered procedures. Health care providers that want to serve Medicare patients agree to accept those rates or charge no more than 115 percent of the Medicare-approved rates. No health care provider is required to accept Medicare patients. If HR 818 is enacted, acupuncturists would not be required to accept Medicare patients.

Federal Employees Health Benefits (FEHB) Program

The FEHB program provides health insurance to federal workers, their dependents, federal retirees and their survivors, covering a total of nine million Americans. The program is administered by the U.S. Office of Personnel Management (OPM), which negotiates contracts with private health insurance companies to provide coverage to FEHB beneficiaries.

Federal workers have a wide variety of plans to choose from, including traditional fee-for-service policies, managed care options like HMOs and PPOs and new high-deductible catastrophic care policies. The policies available to each FEHB family are determined by where they live. The list of plans in your area is available on the Internet at <http://www.opm.gov/insure/05/planinfo.asp>.

Unlike Medicare, which is directly administered by the federal government, FEHB policies are administered by the individual insurance plans that are contracted to cover federal workers and

their families. The insurance companies set their own policies on which providers will be covered under their plans and what rates providers will be paid.

However, federal law mandates that all plans contracted by FEHB participants include certain minimum benefits. If enacted, HR 818 would mandate that acupuncture services be included in the list of minimum benefits. Every insurance company that wants to offer a policy to federal workers would have to provide coverage for acupuncture services provided by state licensed, certified or registered acupuncturists.

About one-fourth of insurance plans in the FEHB program are voluntarily offering acupuncture benefits now, although some plans will only cover acupuncture services if they are provided by an MD or DO. HR 818 would ensure patients have access to acupuncture services, provided by qualified acupuncturists, under every FEHB plan.

A directory of FEHB plans that are voluntarily offering acupuncture benefits in 2005 is available from Congressman Hinchey's office upon request. Practitioners should contact insurers directly to discuss participation in their plans.

History

Congressman Hinchey's advocacy for acupuncture and acupuncturists goes back to 1976 when, as a member of the New York State Assembly, he wrote the legislation that licensed acupuncture professionals. At the time, New York was a pioneer in this field. Today, more than 40 states and the District of Columbia license, certify or register acupuncture providers.

When he was first elected to Congress, Congressman Hinchey continued his advocacy for acupuncture, introducing the Federal Acupuncture Coverage Act in 1993. Support for the bill has been modest, but has grown steadily in every successive Congress, just as public acceptance of acupuncture has grown over the past dozen years. Although Hinchey's bill garnered only 5 cosponsors during the first term it was introduced (out of 435 members of the House), its supporters numbered 63 at the end of the 108th Congress in December 2004.

On February 15, 2005, Congressman Hinchey reintroduced the Federal Acupuncture Coverage Act for the 109th Congress.